

**REMARKS**

Claims 1-10 and 13-15 are pending. By this Amendment, claims 1-10 and 13-15 have been amended and claims 11 and 12 have been canceled without prejudice or disclaimer. Furthermore, minor changes have been made to the specification to correct for informalities. In view of the amendments above and the reasons set forth below, applicants respectfully request reconsideration of the application.

On pages 2-3 of the Official Action, the drawing were objected to under 37 CFR §1.84(p)(4) and 1.83(a). Applicants have amended the specification solely in response to the objection. In view of the amendments to the specification the objections have been rendered moot.

On page 4 of the Office Action, the specification was objected to for failing to provide proper support for the features recited in claims 11 and 12. Furthermore, claims 11 and 12 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification. Claims 11 and 12 have been canceled without prejudice and disclaimer. Thus, the objection and rejection have been rendered moot.

On page 5 of the Office Action, claims 1-15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The claims have been amended in response to the rejection.

On pages 6-9 of the Office Action, claims 1-6 and 9-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,300,055 to *Buell*. The rejection is respectfully traversed.

The present invention pertains to an article having a liquid pervious surface layer 2 within the wetting region 15 which comprises a hydrophilic material, at least at the surface of the layer which is intended to be facing the user during use, and in the remaining parts of the liquid pervious surface layer 2 is comprising of a hydrophobic material. Because the hydrophilic material is able to retain moisture, desiccation of the mucous membranes is counteracted.

Claim 1 recites an absorbent article having, amongst other features, a liquid-pervious surface layer 2 within the wetting region 15 which comprises a hydrophilic *absorbent* material 16, at least at the surface of the liquid-pervious surface layer 2 which is intended to be facing the user during use, and that remaining parts of the liquid-pervious surface layer 2 is comprising a hydrophobic material 14.

*Buell* discloses an absorbent article comprising a conventional, non-absorbent surface material. The material is preferably manufactured from formed films because they are pervious to liquids and yet non-absorbent (col. 7, lines 6-8). Furthermore, the surface material is made *hydrophilic* by treating the body surface material that is originally surfactant (col 7, lines 32-35). The purpose of treating a surface material that is originally hydrophobic with a surfactant is to achieve an improved wettability and thereby improved permeability of liquids (col. 7, lines 28-30). The purpose of using a hydrophobic material as surface material on absorbing articles is that such materials lack absorption capacity of

their own, implying that the fibers in such a material do not absorb liquid, resulting in a material exhibiting an almost dry surface (col. 7, lines 8-11). However, if liquid should be able to pass into the pores of the hydrophobic material it is necessary to treat the hydrophobic material in some way.

The Office Action alleges that *Buell* discloses all of the claimed features of claim 1, except that *Buell* fails to disclose that any remaining parts of the liquid-pervious surface layer is constituted of hydrophobic material. The Office Action further alleges that "it would then be a matter of design choice as to what sections of the hydrophobic topsheet to make hydrophilic based on the design and intended use of the absorbent article".

Applicants respectfully disagree with this assertion.

First, as agreed to in the Office Action *Buell* fails to disclose each and every feature of claim 1. Secondly, *Buell* and the claimed invention have a different purpose. The purpose of Buell is to provide an absorbent article treat the surface material that is originally hydrophobic with a surfactant to achieve an improved wettability and thereby improved permeability of liquids (see col. 7, lines 28-30). In contrast, the purpose of claim 1 is to provide an absorbent article having a surface layer having a wet surface on those parts of the surface layer which during use may come into contact with mucous membranes. Thus, the claimed invention provides a surface that remains wet after wetting, as it, within the wetting region, is comprised of *hydrophilic absorbent material* having the ability to absorb and retain a portion of the liquid. Accordingly, *Buell* does not anticipate or render obvious the absorbent article recited in claim 1, nor is it obvious to add and change the features of *Buell* to attempt to come up with the unique absorbent article recited

in claim 1. It appears the Office Action is using "hindsight" reasoning, based on applicants' invention, to attempt to come up with the absorbent article recited in claim 1.

Dependent claims 2-10 and 13-15 include the allowable features of independent claim 1 and further add additional features as recited therein. Thus, claims 2-6, 9, 10 and 13-15 are not rendered obvious by *Buell*.

On page 9-10 of the Office Action claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Buell* as applied to claims 1-6 and 9-15 above, and further in view of U.S. Patent 5,449,352 to Nishino et al (*Nishino*). Applicants respectfully traverse the rejection.

The Office Action attempts to combine *Buell* with *Nishino* to obtain the absorbent article recited in claims 7 and 8. However, *Nishino* fails to remedy the deficiencies of *Buell* in rendering obvious claim 1. The object of *Nishino* is to provide an improved absorption rate (col. 9, lines 33-36). To obtain this desired objective, *Noshino* states the topsheet may be treated with a hydrophilicity giving agent to further enhance its hydrophilicity (col. 9, lines 16-21). Neither *Nishino* or *Buell* address the problem of creating a wet surface in contact with mucous membranes. In fact, to the contrary, *Nishino* and *Buell* provide a topsheet where the side facing the body remains dry during use of the article.

The Office Action's asserts that the combination of *Nishino* and *Buell* results in a more effect absorbent article with a higher absorbent capability, assuming arguendo that such a statement is true, the combination of the applied art cannot be considered to render obvious an absorbent article comprising a liquid-pervious surface layer as claimed. The

articles which would result from the combination of the applied art would exhibit a *dry surface* against the user, as the topsheet will be well drained. In contrast, the object of the claimed invention is to maintain a *wet surface* against the user's mucous membranes. Thus, it would not have been obvious to one skilled in the art to combine the article disclosed in *Buell* with the article disclosed in *Nishino* in order to develop a liquid-pervious surface layer which is recited in the claims.

In view of the foregoing, Applicant's respectfully submit that the subject application is in condition for allowance, and prompt notice of the same is earnestly solicited. Should the Examiner have any questions regarding this response or the application in general, he is urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Rouzbeh Tabaddor  
Rouzbeh Tabaddor  
Registration No. 45,312

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: June 22, 2000

Attachment:  
Request for Approval of Drawing Changes